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June 4, 2021

**VIA ELECTRONIC FILING**

The Honorable Suzanne Mitchell  
Room 1301  
U.S. Courthouse  
200 N.W. 4th St.  
Oklahoma City, OK 73102

Re: *Petitioner/ Judgment Creditor Universitas Education, LLC v. Respondent/ Judgment Debtor Avon Capital, LLC, et. al.*, Case No. 14-fj-05-HE (W.D. Okla.), Hearing on Assets

Dear Magistrate Judge Mitchell:

Our firm represents Intervenor Avon Capital, LLC, a Wyoming limited liability company ("Avon Capital-WY") in the above-captioned post-judgment garnishment proceedings. We write in response to the Court's order dated May 4, 2021 ("Hearing Order"), in which the Court ordered "Avon Capital, LLC" and "SDM Holdings, LLC" to designate a corporate representative to appear in person to answer concerning property and to bring documents identified in the Hearing Order.

Pursuant to the Court's Hearing Order, our firm intends to produce a corporate representative for our client Avon Capital-WY to appear at the hearing scheduled on June 8, 2021. Our client's corporate representative also intends to produce documentation identified in the Court's Hearing Order related to Avon Capital-WY, as well as any documentation in our client's possession related to any other "Avon Capital, LLC" entity.

On May 4, 2021, Timothy F. Campbell, counsel for Petitioner Universitas Education, LLC sent an email to counsel for Intervenor Avon Capital-WY and requested that our firm accept service on behalf of "Avon Capital, LLC." A copy of this email is enclosed and identified as "Exhibit A."

On May 12, 2021, counsel for Intervenor Avon Capital-WY responded to Mr. Campbell's email and informed him that our firm only represents Intervenor Avon Capital-WY, but not Respondent/ Judgment Debtor Avon Capital, LLC, and therefore, could not accept service on behalf

The Honorable Suzanne Mitchell

June 4, 2021

Page 2

of Respondent/ Judgment Debtor Avon Capital, LLC. A copy of this email is enclosed and identified as “Exhibit A.”

This Court has entered an order which decided that Avon Capital-WY is an *alter ego* of Avon Capital, LLC, a Connecticut limited liability company (“Avon Capital-CT”), and Avon Capital, LLC, a Nevada limited liability company (“Avon Capital-NV”). Our firm does not represent either Avon Capital-CT or Avon Capital-NV. Counsel for Universitas responded and indicated that he would serve our “client.”<sup>1</sup> A copy of this letter is enclosed and identified as “Exhibit B.”

The undersigned is unaware whether service of either Avon Capital-CT or Avon Capital-NV was ever completed. In the event those entities were not served and they do not appear, we wanted to make the Court aware of our efforts to communicate the limitations of our representation (specifically to Avon Capital-WY) so that Universitas could take the appropriate steps to compel the appearance of any representatives of other entities it desires to be present.

While under this Court’s finding of *alter ego*, absent a reversal on appeal, Avon Capital-WY may be liable for judgments against other Avon Capital entities, this order has not changed our firm’s attorney-client relationship. We do not have authorization or authority to accept service on behalf of any other Avon entity. As a result, it is not possible for our firm to produce a corporate representative from either Avon Capital-CT or Avon Capital-NV at the hearing on assets. Counsel for Intervenor Avon Capital-WY timely informed counsel for Petitioner Universitas of this matter.

Our firm does intend to produce a corporate representative for our client, Intervenor Avon Capital-WY, at the hearing on assets scheduled for June 8, 2021. We cannot, however, produce a corporate representative for Avon Capital-CT or Avon Capital-NV. We thought it prudent to bring this issue to the Court’s attention prior to the hearing.

Very truly yours,

/s/ Alan L. Rupe

Alan L. Rupe of  
LEWIS BRISBOIS BISGAARD & SMITH LLP

ALR  
Enclosures

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<sup>1</sup> In spite of Universitas’ clear misunderstanding, our firm has an attorney-client relationship with Avon Capital-WY—not any of the other Avon Capital entities.